



Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

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Joint Standing Committee on State and Local Government

LD 621 “An Act To Increase the Number of Franklin County Commissioners”

Testimony Provided by Melissa K. Packard, Director of Elections, March 15, 2021

Senator Baldacci, Representative Matlack and Members of the Committee:

The Secretary of State is neither for nor against this legislation, which would increase the number of County Commissioners elected in Franklin County to five, but would like to offer some suggestions regarding how the law could be effectively implemented.

Franklin County currently has three county commissioners. The commissioner districts outlined in lines 10 to 22 of page 1 of this LD are identical in makeup to the districts currently in effect; however in LD 621, the expiration dates for the districts have been changed. Districts 1 and 2 appeared on the ballot in November 2020 with the winning candidate from each district elected to a four-year term (until 2024). This bill would provide that each district would be on the ballot in 2022 for a two-year term. The commissioner in district 3 was elected in 2018 for a four-year term, so a new commissioner is scheduled to be elected in 2022. In LD 621, this district is still elected in 2022 but only for a two-year term.

Section 65 of Title 30-A of the Maine Revised Statutes states that redistricting of county commissioner districts must occur every 10 years with the next redistricting scheduled for 2021 based on the population figures from the 2020 Census. Generally, census data is provided to the Legislature’s redistricting committee early in the year that redistricting will occur so that the Legislature can approve the redistricting plan prior to adjourning sine die. This year the census data is delayed due to issues relating to the pandemic. However, the new districts that will be established must be based on the new census data, not data that is over 10 years old. Although the redistricting committee may be open to considering the districts outlined in this bill, the ultimate decision on reapportionment will be made by the committee and ultimately the Legislature or the Courts. The redistricting law provides that the redistricting plan must establish districts with “as nearly as practicable” equal populations.

Section 3 of this bill requires that the question of whether to increase the number of commissioner districts to five must be submitted to the voters of Franklin County at an election in November of 2022. The date of the election is problematic because Maine’s redistricting law requires commissioners to be elected into the new districts in 2022. Because the will of the voters (i.e. to remain with three districts or increase to five) will not be known until after redistricting is completed, the redistricting committee will not know how the county should be divided. Additionally, the bill does not specify how the terms would be staggered if the voters choose to remain with three districts. Because the number of districts would not be known before redistricting was completed, it would be necessary to request redistricting with both three and five districts.

It may also be confusing to voters to be voting on a ballot question that determines the number of commissioner district at the same election where all three commissioner districts are also being elected. To eliminate voter confusion, the committee may want to consider amending the bill to conduct the referendum election in November of 2021. If the ballot question were voted on in 2021, it would also be possible to implement the new districts in 2022 rather than waiting until 2024.

Section 61 of Title 30-A provides that each county shall have a board of commissioners consisting of a chairman and 2 other persons. Of Maine's sixteen counties, one county elects seven commissioners, three counties elect five and the remaining twelve elect three commissioners. Of the four counties with more than 3 commissioners, three made the change through an adoption of a county charter while one county (York) made this change by statute. If Franklin County is authorized to change the number of commissioners to five, it may be advisable to add a section to Title 30-A specifying this change similar to what was added when York County changed to five commissioners. A copy of Title 30-A, section 61-A is attached to this testimony.

I would be happy to answer any questions of the Committee, either now or at the work session.

§61-A. York County

Notwithstanding section 61, there shall be a Board of Commissioners for York County consisting of a chair and 4 other citizens. All other provisions of section 61 apply to York County. [PL 1989, c. 220, §§1, 4 (NEW).]

SECTION HISTORY

PL 1989, c. 220, §§1,4 (NEW).

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